

FEB 22 2018

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NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 694970

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

MARIA LUISA LLAMAS, an individual; and DOES 1
through 50, inclusive,

Defendants.

Case No.:

COMPLAINT FOR ABATEMENT
AND INJUNCTION

[HEALTH & SAFETY CODE
SECTION 11570, ET SEQ.; CIVIL
CODE SECTION 3479, ET SEQ.]

[Unlimited Action]

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

2 I. INTRODUCTION

3 1. Plaintiff, the People of the State of California (the "People"), brings this action
4 ("Action") to abate and enjoin a narcotics-related public nuisance that exists at a ten-unit
5 apartment complex (hereinafter, the "Complex" or "Property") located in the City of Los
6 Angeles at 823 and 825 W. 82nd Street. The Complex has been a gang-controlled hub for
7 narcotics sales since 2012 and remains so to this day. This Action, which is brought pursuant
8 to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et*
9 *seq.*, and the Public Nuisance Law ("PNL"), California Civil Code sections 3479 and 3480,
10 seeks to put an end to the ongoing narcotics and nuisance activity at the Complex.

11 2. Between February 2017 and February 2018, Los Angeles Police Department
12 ("LAPD") officers executed **six search warrants** at the Complex on six different dates. Upon
13 executing all six of the warrants, including the most recent one in February 2018 (which was
14 executed just one week before the filing of this Complaint), officers recovered various
15 quantities of narcotics, including cocaine base (rock), methamphetamine, and/or MDMA
16 (commonly known as ecstasy), scales, baggies, and U.S. currency from the Complex. Officers
17 also recovered a semi-automatic handgun, a revolver, and ammunition while executing one of
18 the warrants, and additional ammunition on another occasion while conducting a subsequent
19 investigation. While executing the February 2018 warrant, officers recovered a high-capacity
20 semi-automatic Beretta (capable of holding 18 rounds) from a one-bedroom unit occupied by
21 an infant and a small child. During this same one-year period, LAPD officers also conducted
22 eight controlled "buy-bust" operations—wherein an informant successfully purchased narcotics
23 from dealers at the Complex at least once prior to LAPD's execution of each of the six search
24 warrants—and made ten arrests for narcotics sales at the Complex. Despite this effort by
25 LAPD to investigate and disrupt the narcotics activity, the Property remains a one-stop drug
26 shop at which narcotics are continually bought, sold, and stored. Significantly, either all or
27 almost all of the dealers who have been arrested at the Property for narcotics sales are
28 associates or members of the notorious Hoover Crips criminal street gang. These gang

1 members or associates use the Property to store and sell narcotics and engage in other illegal
2 acts, and at least some—if not all—of the drug dealers who have been arrested for selling
3 narcotics at the Property reside at the Complex. In November 2017, while officers were
4 executing one of the aforementioned warrants, a suspect at the Property forced his way into
5 the unit of a nearby apartment through the rear sliding door and terrified the tenant living there
6 as the suspect attempted to hide from the officers. The suspect was subsequently found and
7 charged with violating Health and Safety Code section 11353 (using a minor to sell a controlled
8 substance).

9 3. The Complex is located on the north side of 82nd Street, just west of Hoover
10 Street, and as stated, is comprised of ten units. Drug dealers at the Complex use the units
11 and the common areas to sell and/or store narcotics. The Complex is known within the
12 community as a place where narcotics are bought and sold. As a result of this reputation, the
13 Complex continues to attract individuals seeking to sell, buy, and use narcotics, despite
14 repeated arrests and search warrants. Ironically, a handwritten sign posted at the Complex
15 ostensibly warns occupants against drug use: "Drugs are illegal. Do not use in the property."
16 The message is either a tongue-and-check invitation to narcotics users, left there by drug
17 dealers to advertise the availability of drugs at the Property with a wink and a nod, or a futile
18 gesture by the property owner that serves only to reinforce the prevalence of narcotics activity
19 at the Property.

20 4. Additionally, the Property is a magnet for other nuisance-related incidents that
21 occurred in 2017 and 2018 and continue to occur there on an ongoing basis, including the
22 illegal possession of ammunition and firearms and assault with a deadly weapon. Moreover,
23 the above-described activities have occurred and continue to occur dangerously close to the
24 following schools and churches located within 2,000 feet of the Property:

- 25 a. Frederick K.C. Price III Christian Schools at 7901 S. Vermont Avenue,
26 which is located within 1,258 feet of the Property.
- 27 b. Miller Elementary School at 830 W. 77th Street, which is located within
28 1,438 feet of the Property.

- c. Manchester Avenue Elementary School at 661 W. 87th Street, which is located within 1,635 feet of the Property.
- d. Bakewell Primary Center at 8621 S. Baring Cross Street, which is located within 1,699 feet of the Property.
- e. KIPP Academy of Opportunity at 8500 S. Figueroa Street, which is located within 1,861 feet of the Property.
- f. New Antioch Church of God at 7826 S. Vermont Avenue, which is located within 1,446 feet of the Property.
- g. Saint Rest Baptist Church at 709 W. Manchester Avenue, which is located within 1,536 feet of the Property.

5. Defendant Maria Luisa Llamas ("Defendant") has owned the Property since April 6, 1988, and continues to own it. Defendant is directly and/or indirectly permitting and facilitating drug sales, drug distribution, drug usage, and violent acts at the Property, and creating a public nuisance that disturbs the entire community and neighborhood. Defendant herself does not live at the Property.

6. This Action is intended to redress the unacceptable state of affairs at the Property and to halt the sale, distribution, and purchase of drugs there.

II. THE PARTIES AND THE PROPERTY

A. The Plaintiff

7. Plaintiff, the People, is the sovereign power of the State of California designated in California Health and Safety Code section 11571 and California Code of Civil Procedure section 731 to be the complaining party in actions brought to abate, enjoin, and penalize narcotics nuisances and public nuisances, respectively.

B. The Defendant

8. Defendant Maria Luisa Llamas owns the Property in her individual capacity and has owned it since April 6, 1988.

9. The true names and capacities of defendants sued herein as Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious

1 names. Each such defendant is responsible in some manner for conducting, maintaining, or
2 directly or indirectly permitting the unlawful activities and acts complained of herein. When the
3 true names and capacities of said defendants have been ascertained, Plaintiff will seek the
4 Court's leave to amend this complaint and to insert in lieu of such fictitious names the true
5 names and capacities of said fictitiously named defendants.

6 **C. The Property**

7 10. The Property is a ten-unit apartment complex located within the County and City
8 of Los Angeles on West 82nd Street, just west of Hoover Avenue. The Property is comprised
9 of the following addresses: (1) 823 W. 82nd Street; (2) 823 1/5 W. 82nd Street; (3) 823 2/5 W.
10 82nd Street; (4) 823 3/5 W. 82nd Street; (5) 823 4/5 W. 82nd Street; (6) 825 W. 82nd Street;
11 (7) 825 1/5 W. 82nd Street; (8) 825 2/5 W. 82nd Street; (9) 825 3/5 W. 82nd Street; and (10)
12 825 W. 4/5 82nd Street, Los Angeles, California 90044. The legal description of the Property
13 is: "Lot 242 of Sunnyside Park Addition, as per map recorded in Book 6 Page 198 of Maps, in
14 the office of the county recorder of said county." The Assessor's Parcel Number for the
15 Property is 6032-006-024.

16 **III. THE NARCOTICS ABATEMENT LAW**

17 11. The abatement of a nuisance is a long established and well-recognized exercise
18 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
19 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
20 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
21 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
22 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
23 division" (Health & Saf. Code, § 11570.)

24 12. The NAL provides that every building or place used for the purpose of unlawfully
25 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
26 precursor, or analog, *inter alia*, "is a nuisance which **shall** be enjoined, abated, and prevented
27 . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 [emphasis added];
28 *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court*

1 (1993) 20 Cal.App.4th 866, 870-871.)

2 13. Health and Safety Code section 11571 authorizes a city attorney to bring an
3 action to abate, prevent, and perpetually enjoin such nuisances. It provides in relevant part:
4 "Whenever there is reason to believe that a nuisance as described in section 11570 is kept,
5 maintained, or exists in any county, the district attorney of the county, or the city attorney of
6 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
7 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
8 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
9 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

10 14. Health and Safety Code section 11573(a) provides that: "If the existence of the
11 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
12 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
13 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
14 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
15 removal and sale of all fixtures and movable property on the premises used in aiding or
16 abetting the nuisance and for the closure of the building for up to one year.

17 IV. THE PUBLIC NUISANCE LAW

18 15. Civil Code section 3479 defines a public nuisance as "[a]nything which is
19 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
20 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
21 interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free
22 passage or use, in the customary manner, of any . . . public park, square, street, or highway . .
23 . ." (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in
24 general terms the word 'nuisance' in Civil Code section 3479. . . ."])

25 16. Civil Code section 3480 defines a public nuisance as "one which affects at the
26 same time an entire community or neighborhood, or any considerable number of persons,
27 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

28 17. In particular, drug dealing, loitering, the consumption of alcohol and illegal drugs,

1 and boisterous conduct which creates a "hooligan-like atmosphere" constitutes a public
2 nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

3 18. Civil Code section 3491 provides for the methods by which public nuisances
4 such as those alleged herein may be abated. Civil Code section 3491 states that the
5 "remedies against a public nuisance are indictment or information, a civil action or abatement."
6 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
7 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; *see also People v.*
8 *Selby Smelting and Lead Co.* (1912) 163 Cal. 84, 90 ["[I]n California, the rule is well
9 established that in proper cases injunctive relief which accomplishes the purposes of
10 abatement without its harsh features is permissible".])

11 19. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
12 to enjoin or abate a public nuisance. It provides in relevant part: "A civil action may be brought
13 in the name of the people of the State of California to abate a public nuisance . . . by the city
14 attorney of any town or city in which such nuisance exists."

15 20. Where "a building or other property is so used as to make it a nuisance under the
16 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
17 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
18 *Barbiere* (1917) 33 Cal.App.770, 779; *see also Sturges v. Charles L. Harney, Inc.* (1958) 165
19 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without negligence"]; *People*
20 *v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
21 nuisance was conducted and maintained on the premises in question, regardless of the
22 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
23 unnecessary"]; *People v. Peterson* (1920) 45 Cal.App.457, 460 ["[I]t was not necessary . . . for
24 the trial court to find either, that the [defendants] threatened, and unless restrained, would
25 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in
26 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
27 having been found, supports the judgment"].) This is because "the object of the act is not to
28 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*

Co. (1920) 48 Cal.App. 257, 261.)

V. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT

[Health and Safety Code Section 11570, *et seq.* – Defendant and Does 1 Through 50]

21. Plaintiff hereby incorporates by reference paragraphs 1 through 20 of this Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

22. From at least 2012 to the present, the Property has been used and is currently being used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances in violation of Health and Safety Code section 11570, *et seq.* From 2012 to the present, the narcotics activity at the Property has been continual and ongoing. Between February 2017 and February 2018, LAPD executed six search warrants at the Property on separate dates and recovered narcotics on all six occasions. Prior to executing each of the search warrants, LAPD also successfully conducted one or more controlled "buy" operations, wherein an informant purchased narcotics from dealers at the Property. Altogether, during this one-year period LAPD conducted at least eight controlled buy operations and made at least ten arrests for narcotics sales at the Property. Before this one-year period, LAPD had made arrests for narcotics sales at the Property dating back to at least 2012. The Property's reputation within the community is as a location where narcotics are used and sold.

23. Defendant, who owns the Property, and Does 1 through 50 are responsible for conducting, maintaining, and/or directly or indirectly permitting the narcotics-related nuisance as alleged herein. Plaintiff has no plain, speedy, and adequate remedy at law and unless Defendant and Does 1 through 50 are restrained and enjoined by order of this Court, they will continue to use, occupy, and maintain, and/or to aid, abet, or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the nuisance complained of herein, in violation of California law and to the great and irreparable damage of the public.

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1 **VI. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

2 **[Civil Code Section 3479, et seq. – Defendant and Does 1 Through 50]**

3 24. Plaintiff hereby incorporates by reference Paragraphs 1 through 23 of this
4 Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

5 25. From at least 2012 to the present, the Property has been used or occupied in
6 such a manner as to constitute a public nuisance in violation of Civil Code sections 3479 and
7 3480. The public nuisance consists of narcotics activity and other criminal incidents that
8 continue to occur on an ongoing basis, including but not limited to: narcotics sales that attract
9 narcotics users and buyers to the Property; the illegal possession of guns and ammunition;
10 and assault with a deadly weapon. Furthermore, either all or almost all of the dealers who
11 have been arrested for selling narcotics at the Property are associates or members of the
12 Hoover Crips criminal street gang. Since at least 2012 to the present, Defendant and Does 1
13 through 50 have owned, operated, occupied, used, and/or directly or indirectly permitted to be
14 occupied and used, the Property in such a manner that it continues to constitute a public
15 nuisance, given the aforementioned narcotics-related and criminal incidents that continue to
16 occur there. The public nuisance, as described herein, is injurious to health, indecent or
17 offensive to the senses, and/or an obstruction to the free use of property, so as to substantially
18 and unreasonably interfere with the comfortable enjoyment of life or property by those persons
19 living in the surrounding community.

20 26. Defendant and Does 1 through 50, in owning, conducting, maintaining, and/or
21 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
22 wrongful conduct and caused a serious threat to the general health, safety, and welfare of the
23 persons in the area surrounding the Property. The public nuisance is ongoing and continual.

24 27. Unless Defendant and Does 1 through 50 are restrained and enjoined by order of
25 this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit, directly
26 or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures
27 and appurtenances located therein, for the purpose complained of herein, in violation of
28 California law and to the great and irreparable damage of the public.

1 PRAYER

2 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE, AND
3 DECREE AS FOLLOWS:

4 AS TO THE FIRST CAUSE OF ACTION

5 1. That Defendant, Does 1 through 50, and the Property, be declared in violation of
6 Health and Safety Code section 11570, *et seq.*

7 2. That the Court order Defendant, as the owner of the Property, to reside at the
8 Property until the nuisance is abated, in accordance with California Health and Safety Code
9 section 11573.5.

10 3. That the Property, together with the fixtures and moveable property therein and
11 thereon, be found to constitute a public nuisance and be permanently abated as such in
12 accordance with Section 11581 of the California Health and Safety Code.

13 4. That the Court grant a preliminary injunction, a permanent injunction, and an order
14 of abatement in accordance with Section 11570, *et seq.*, of the California Health and Safety
15 Code, enjoining and restraining Defendant and her agents, officers, employees, transferees,
16 successors-in-interest, and anyone acting on her behalf from unlawfully selling, serving,
17 storing, keeping, manufacturing, or giving away controlled substances at the Property, and/or
18 directly or indirectly maintaining or permitting such nuisance activity.

19 5. That the Court order physical and managerial improvements to the Property in
20 accordance with California Health and Safety Code section 11573.5, and issue such orders as
21 are otherwise appropriate, to remedy the nuisance on the Property and enhance the
22 abatement process, including but not limited to, the following: an internet-connected video
23 monitoring system accessible by LAPD; improved lighting; sufficiently secured gating and
24 fencing; the retention of a private management company to oversee the management of the
25 Property; improved tenant screening and lease enforcement procedures; licensed armed
26 security guards; the eviction of all tenants known by Defendant to have engaged in or
27 permitted (1) crimes of violence (excluding domestic violence) as documented in a police
28 report, (2) gang activity, (3) narcotics activity, or (4) the unlawful use or possession of firearms

1 at the Property, including upon notification from the Los Angeles City Attorney's Office or
2 LAPD, pursuant to Los Angeles Municipal Code section 47.50 or Civil Code sections 3485 and
3 3486; and prohibiting known narcotics users and dealers and gang members from accessing
4 the Property.

5 6. That as part of the Judgment, an Order of Abatement be issued, and that the
6 Property be closed for a period of one year, not to be used for any purpose, and be under the
7 control and custody of this Court for said period of time; or, in the alternative, if the Court
8 deems such closure to be unduly harmful to the community, that Defendant and Does 1
9 through 50 pay an amount of damages equal to the fair market rental value of the Property for
10 one year to the City or County in whose jurisdiction the nuisance is located in accordance with
11 Health and Safety Code section 11581, subdivision (c)(1).

12 7. That Defendant and Does 1 through 50 each be assessed a civil penalty in an
13 amount not to exceed twenty-five thousand dollars (\$25,000.00).

14 8. That all fixtures and moveable property used in conducting, maintaining, aiding, or
15 abetting the nuisance at the Property be removed by LAPD and sold in the manner provided
16 for the sale of chattels under execution. Said fixtures and property shall be inventoried and a
17 list prepared and filed with this Court.

18 9. That there shall be excepted from said sale such property to which title is
19 established in some third party that is not a defendant or agent, officer, employee, or servant of
20 any defendant in this proceeding.

21 10. That the proceeds from said sale be deposited with this Court for payment of the
22 fees and costs of sale. Such costs may be incurred in closing said property and keeping it
23 closed, removal of said property, and Plaintiff's costs in the Action, including attorneys' fees,
24 and such other costs as the Court shall deem proper.

25 11. That if the proceeds of the sale do not fully discharge all such costs, fees, and
26 allowances, the Property shall also be sold under execution issued upon the order of the Court
27 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
28 monies remaining after payment of approved costs shall be delivered to the owner of said

1 property. Ownership shall be established to the satisfaction of this Court.

2 12. That Defendant and Does 1 through 50, and any agents, trustees, officers,
3 employees, and anyone acting on their behalf, and their heirs and assignees, be perpetually
4 enjoined from transferring, conveying, or encumbering any portion of the Property, for
5 consideration or otherwise, without first obtaining the Court's prior approval.

6 13. That Defendant and Does 1 through 50 be ordered to immediately notify any
7 transferees, purchasers, commercial lessees, or other successors-in-interest to the subject
8 Property of any application brought by Plaintiff for any temporary restraining order, preliminary
9 injunction, or permanent injunction in this Action or relating to the Property, or the existence of
10 any temporary restraining order, preliminary injunction, or permanent injunction issued in this
11 Action or relating to the Property, to all prospective transferees, purchasers, commercial
12 lessees, or other successors-in-interest, *before* entering into any agreement to sell, lease or
13 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
14 the subject of this Action.

15 14. That Defendant and Does 1 through 50 be ordered to immediately give a
16 complete, legible copy of any temporary restraining order and preliminary and permanent
17 injunctions to all prospective transferees, purchasers, lessees, or other successors-in-interest
18 to the Property.

19 15. That Defendant and Does 1 through 50 be ordered to immediately request and
20 procure signatures from all prospective transferees, purchasers, lessees, or other successors-
21 in-interest to the subject Property, which acknowledges his/her respective receipt of a
22 complete, legible copy of any temporary restraining order or preliminary or permanent
23 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
24 Office, c/o Deputy City Attorney Rahi Azizi or his designee.

25 16. That Plaintiff recover the costs of this Action, including law enforcement
26 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
27 \$1,000,000.00, from Defendant and Does 1 through 50.

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2. That the Property, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and be permanently abated as such in accordance with Civil Code section 3491.

4. Such costs as may occur in abating said nuisance at the Property and such other costs as the Court shall deem just and proper.

AS TO ALL CAUSES OF ACTION

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1 2. That Plaintiff be granted such other and further relief as the Court deems just and
2 proper.

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4 DATED: February 22, 2018

Respectfully submitted,

5 MICHAEL N. FEUER, City Attorney
6 MARY CLARE MOLITOR, Chief, Crim. & Spec. Lit. Branch
7 JONATHAN CRISTALL, Supervising Assist. City Attorney
8 RAHI AZIZI, Deputy City Attorney

9
10 By:



11 RAHI AZIZI, Deputy City Attorney
12 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
13 OF CALIFORNIA
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